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11606-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Francisco Speich, et al.

Application No.: 10/509,470 ✓

Filing Date: September 28, 2004

Group Art Unit: 3682

Examiner: Justin Krause

For: WIRELESS THREAD CONTROLLING DEVICE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

04/28/2008 SDENB083 00000065 062143 10509470
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AMENDMENT

Sir:

In response to the Office Action of November 23, 2007, amend the above-identified application as follows.

FEE CALCULATION

Any additional fee required has been calculated as follows:

 X If checked, "Small Entity" status is claimed.

Number of Claims after Amendment			Highest Number Previously Paid for		Extra Present		Rate	Additional Fee
Total	16	minus	14	=		X	(\$25 or \$50)	
Indep.	4	minus	3	=	1	X	(\$100 or \$200)	\$200
First Presentation of Multiple Dependent							(145 or 290)	

* Not less than 20

** Not less than 3

TOTAL

\$200

Please charge the fee of \$200 for an additional independent claim to Deposit Account No.: 06-2143. In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 06-2143.

CONTINGENT EXTENSION REQUEST

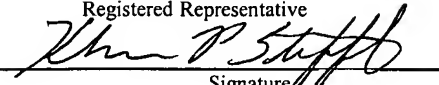
If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

The Examiner recites the feature out of the inventive context. In the present invention, the permanent magnet serves to connect the driver with the up and down oscillating lifting device whereas in Speich, et al. the permanent magnet substitutes the up and down oscillating lifting device as being part of the swinging system

In view of these considerations, it is respectfully submitted that the rejection of claims 14-17, 19-21 and 23-27 under 35 U.S.C. 102(b) is overcome and should be withdrawn.


Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on April 23, 2008

Klaus P. Stoffel
Name of applicant, assignee or
Registered Representative

Signature
April 23, 2008
Date of Signature

KPS/mj

Respectfully submitted,


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